IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5172 of 2005

Between:

M/s Amogh Hotels limited, rep. by its Managing Director,
Sri B.S.Neelakantam, S/o.Somashekara R/o.Yatrinivas, S.P.Road, Secunderabad.

..... PETITIONER

AND

The Regional Provident Fund Commissioner (C&R) Regional Office, Barkatpura, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or issue a writ particularly one in the nature of mandamus declaring that the proceedings No.AP/34811/PD Cell/2005/8543, dt.13.1.2005 are illegal and consequently to set aside the same and to pass such other order or orders.

Counsel for the Petitioner: MR.B.G.RAVINDER REDDY

Counsel for the Respondent: MR.R.N.REDDY

This Court at the admission stage made the following :

O R D E R:

This writ petition is filed aggrieved by the prohibitory order dated 13-01-2005 passed by the respondent, in which, the ICICI Bank was directed to withhold Rs.4,83,652/- from the account of the petitioner and to remit the same to the respondent towards the arrears of Provident Fund for the period from 3/2000 to 2/2003 and penal interest recoverable from the petitioner.

It is not in dispute that the impugned prohibitory order was passed on the basis of the order dated 20-09-2004 passed under Sections 7 Q and 14 B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act'). Hence, as rightly submitted by the learned standing counsel appearing for the respondent, the petitioner ought to have challenged the order dated 20-09-2004 by working out the appropriate remedy available under the Act and in this writ petition filed against the consequential prohibitory order, the petitioner cannot be granted any relief.

In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioner to work out the remedy of appeal as available under Section 7 I of the Act against the order dated 20-09-2004 passed under Sections 7 Q and 14 B of the Act. If any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. Pending such appeal there shall be stay of further proceedings in pursuance of the order dated 20-09-2004, including the impugned proceedings dated 13-01-2005, subject to the condition that the petitioner deposits 50% of the amount demanded under the said order within a period of six weeks from today. No costs.

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(**G. ROHINI, J**)

Date: 16-03-2005

ghn

To

1. The Regional Provident Fund Commissioner (C&R) Regional Office, Barkatpura, Hyderabad.

2. Two CD copies.